



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

February 14, 2004

Dr. Janice Sosnowski
Delaware Animal Emergency Center, LLC
1482 E. Lebanon Road
Dover, De 19901

RE: PLUS review – PLUS 2005-01-06; Delaware Emergency Animal Center

Dear Dr. Sosnowski:

Thank you for meeting with State agency planners on January 26, 2005 to discuss the proposed plans for the Delaware Emergency Animal Center project to be located at 1641 E. Lebanon Road, near Dover.

According to the information received, you are seeking a rezoning from RS1 to OC for the purpose of a 5,000 sf professional office building on .6255 acres.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Kent County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

Executive Summary

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. ***Our office notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.***

- Due to the parcel's location in an Investment Level 1 area, our office has no objections to the development of this parcel in accordance with relevant local and state regulations.
- DelDOT agrees with and appreciates the proposed access via the WAWA entrance, and the offer to provide an easement for the adjacent residential property.
- Due to the proximity of the site to a closed landfill there are some concerns about the quality of the well water. It is recommended that the well water be tested by the Division of Public Health before being used as potable water.
- The parcel is located in a Tidewater Utilities certificated area. It is recommended that the applicants contact Tidewater regarding the availability of public water service to the site.

The following is a complete text of the comments received by State agencies:

Office of State Planning Coordination – Contact: David Edgell 739-3090

This project is located in Investment Level 1 according to the 2004 State Strategies for Policies and Spending. This site is also located in the Kent County Growth Zone. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. The Office of State Planning Coordination has no objections to the proposed rezoning and development of this project in accordance with the relevant County codes and ordinances.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) The response to item 37 on the PLUS form indicates the applicant will seek access onto the road serving the Wawa convenience store immediately to the west and if that access is granted will close the access on Route 10, which serves the existing house. While DelDOT has not seen a drawing of the access that the applicant seeks, from their description the access they want is the access DelDOT would require.
- 2) The response to item 39 on the PLUS form indicates the applicant “would consider a shared entrance with the residence to the rear of the property.” Presently, that property has access on Route 10. If the applicant is offering to provide an easement so that residents of that property can access the Wawa driveway through their property, DelDOT appreciates their offer. While it would be only a minor improvement for the traveling public, such access would be a significant benefit for those residents.

- 3) The developer's engineer should contact the DelDOT Central District Public Works Engineer, Mr. Robert Greybill, regarding their requirements for access. Mr. Greybill may be reached at (302) 760-2316.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-3091

Soils

According to the Kent County soil survey, Sassafras was mapped in the immediate vicinity of the proposed construction. Sassafras is a well-drained upland soil that has few limitations for development.

TMDLs

Although Total Maximum Daily Loads (TMDLs) as a “pollution runoff mitigation strategy” to reduce nutrient loading have not yet been developed for most of the tributaries or subwatersheds of the Delaware Bay watershed to date, work is continuing on their development. TMDLs for the St. Jones River subwatershed, of which this parcel is part, are scheduled for completion in December 2006.

Therefore, until the specified TMDL reductions and pollution control strategies are adopted, it shall be incumbent upon the developer to employ best available technologies (BATs) and/or best management practices (BMPs) as “methodological mitigative strategies” to reduce degradative impacts associated with development.

Water Supply

The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any well(s).

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-3665.

Sediment and Erosion Control/Stormwater Management

Requirements:

1. Land disturbing activities in excess of 5,000 square feet are regulated under the Delaware Sediment and Stormwater Regulations. A detailed sediment and stormwater management plan must be reviewed and approved by the Kent Conservation District prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place. The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to the Kent Conservation District. Construction inspection fees based on developed area and stormwater facility maintenance inspection fees based on the number of stormwater facilities are due prior to the start of construction. Please refer to the fee schedule for those amounts.
2. The following notes must appear on the record plan:
 - The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
 - The Kent Conservation District reserves the right to add, modify, or delete any erosion or sediment control measure, as it deems necessary.
 - A clear statement of defined maintenance responsibility for stormwater management facilities must be provided on the Record Plan.

Comments:

1. The preferred methods of stormwater management are those practices that maximize the use of the natural features of a site, promote recharge and minimize the reliance on structural components.
2. It is recommended that the stormwater management areas be incorporated into the overall landscape plan to enhance water quality and to make the stormwater facility an attractive community amenity.
3. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.
4. Based on the site characteristics, a pre-application meeting is suggested to discuss stormwater management and drainage for this site.

Drainage

The Drainage Section is not aware of any existing drainage problem associated with this project.

The Drainage Section requests that all precautions be taken to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water.

Rare/Threatened/Endangered Species

This project was located within the secondary protection zone of an active Bald Eagle nest; however, recent surveys indicate that the nest has blown down. Impacts to Bald Eagle are no longer an issue as the eagles have moved the nest further upstream and the project is no longer within the protection zone.

Site Investigation and Restoration

The proposed project is located across E. Lebanon Rd. from the Wildcat Landfill, SIRB site number DE-0011. This landfill was used from 1962 until it was shut down in 1973 for municipal and industrial wastes. The site was added to the NPL in 1983. The groundwater was contaminated with chlordane, a pesticide, and volatile organic compounds (VOCs), including methylene chloride and xylene. The remedy for the site included restricting development of the site and preventing installation of drinking water wells on or near the site; grading, covering, and seeding on-site areas where direct risks of contact with contaminants have been identified; removing and disposing of drums; replacing 2 private domestic wells adjacent to the site with uncontaminated wells drilled deeper into the aquifer; and monitoring groundwater.

If the proposed project will be using an existing domestic well, SIRB recommends having the water tested by the Department of Public Health before it is used. If the proposed project includes the installation of a new well, SIRB recommends installing a double-cased well into the deeper aquifer. The double casing will prevent the possible cross-contamination of the shallow aquifer into the deeper aquifer.

Underground Storage Tanks

There are no LUST site(s) located near the proposed project. However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would be need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel in the contaminated areas.

State Fire Marshal's Office – Contact: John Rossiter 739-4394

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for (business) sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq.ft., 3-stories or more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

c. **Accessibility:**

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from DE Route 10 must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

d. **Gas Piping and System Information**

- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Mark Davis 739-4811

The Department of Agriculture has no objections to placement of this proposed facility on this parcel.

Right Tree for the Right Place

The Delaware Department of Agriculture Forest Service encourages the developer to use the “Right Tree for the Right Place” for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

Native Landscapes

The Department of Agriculture and the Delaware Forest Service encourages the developer to use native trees and shrubs to buffer the property from the adjacent land-use activities near this site. A properly designed forested buffer can create wildlife habitat

corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

The Delaware Department of Agriculture Forest Service offers its assistants to the developer to implement these practices, please contact our office at (302) 698-4500.

Public Service Commission - Contact: Andrea Maucher 739-4247

The project information sheets state that an individual on-site well will be used to provide water for the proposed project. Our records indicate that the project is located within the public water service area granted to Tidewater Utilities under Certificate of Public Convenience and Necessity number 87-CPCN -06. It is recommended that the developer contact Tidewater Utilities to determine the availability of public water.

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

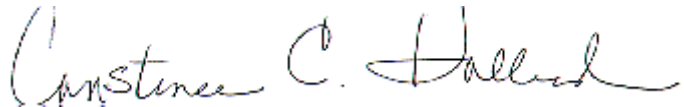
Delaware Economic Development Office – Contact: Dorrie Moore 739-4271

The Delaware Economic Development Office supports this project as presented.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in dark ink, appearing to read "Constance C. Holland". The signature is fluid and cursive, with the first name being the most prominent.

Constance C. Holland, AICP
Director

CC: Kent County